

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.191 OF 2005

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Oriental Insurance company

Ltd.

...Petitioners

v/s.

Calcutta Footwear Company

Pvt.Ltd.

...Respondents

...

Mr.Vijay Kantharia i/b M.V.Kini & Co. for the
Petitioners.

Mr.Arvind Rathod for the Respondents.

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CORAM: D.K.DESHMUKH, J.

DATED: 27TH JUNE, 2005

P.C. :

1. Heard the learned Counsel for the Petitioner at length. The learned Counsel for the Petitioner urged that the Respondent had agreed to accept Rs.14,37,000/- as full and final settlement, therefore, the reference was not maintainable. However, perusal of the reply filed by the Respondent before the learned arbitrator shows that the stand of the Respondent was exactly to the contrary. It was also urged that as by the date on which the reference was made, the surveyor's report had not come and therefore, there was no dispute existing between the parties.

2. Perusal of the reply filed before the Arbitrator shows that this point was not raised before the Arbitrator. In short, I do not find any error apparent on the face of the award. Hence, the Petition cannot be entertained. It is rejected. In view of the rejection of the petition, the award made by the arbitrator dated 28-1-2005, which is challenged in the petition is made rule of the court.

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